



U.S. Department of Justice

*United States Attorney  
Southern District of New York*

*The Jacob K. Javits Federal Building  
26 Federal Plaza, 37th Floor  
New York, New York 10278*

December 9, 2024

**BY ECF**

The Honorable Mary Kay Vyskocil  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl St.  
New York, NY 10007

**Re: *United States v. Nicole Torres*, 24 Cr. 499 (MKV)**

Dear Judge Vyskocil:

The parties write jointly with a status report in the above-referenced matter in advance of the status conference scheduled for December 17, 2024.

At the initial status conference, the Court directed the defense to inform the Court, by December 10, 2024, as to whether the defense intends to file pretrial motions in this case. The parties have conferred, and the defendant, through counsel, has informed the Government that she does not plan to file any pretrial motion.

As to the status of this case more broadly, on October 10, 2024, the Government provided the defense with discovery pursuant to Rule 16(a) of the Federal Rules of Criminal Procedure. As previewed for the Court at the initial status conference, the discovery is voluminous (over 500 gigabytes of material), in part because the discovery includes a significant amount of electronically stored information (“ESI”), including ESI from three iCloud accounts and 10 electronic devices.

The parties have been and remain in discussions regarding a possible pretrial resolution of this case. Due, in part, to the volume of discovery in this matter, the parties were unable to begin those discussions in earnest until recently, after the defense had been able to conduct an initial review of the discovery materials.

Accordingly, the parties jointly request that the Court adjourn the status conference scheduled for December 17, 2024, to a date and time convenient for the Court in late January or early February 2025. The additional time afforded by such an adjournment will permit the parties to continue their discussions regarding a possible pretrial resolution and will permit the defense to continue its ongoing review of the discovery in this case.

In the event that the Court adjourns the status conference, the Government moves to exclude time, pursuant to 18 U.S.C. § 3161(h)(7)(A), through the new date of the status conference, on the basis that the requested exclusion of time will permit the parties to continue their discussions regarding a possible pretrial resolution in this matter, permit defense counsel to discuss any such


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possible resolution with the defendant, and permit the defense to continue its review of the discovery materials in this case. I have conferred with Amy Gallicchio, Esq., counsel for the defendant, who informed me that the defense consents to the requested exclusion of time.

Respectfully submitted,

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cc: Counsel of Record (by ECF)